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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,989	01/07/2002	Robert J. Manard	D/A1167 XER 2 0448	4794

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03/21/2006

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/040,989	Applicant(s) MANARD ET AL.	
	Examiner Jeffery A. Brier	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-12, 15-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 15-18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/2005 has been entered.

Response to Amendment

2. The amendment filed on 12/14/2005 has been entered.

Response to Arguments

3. Applicant's arguments filed 12/14/2005 have been fully considered but they are not persuasive because the Bartok reference, after mapping process 332 is completed, does not alter the colormap or the color image displayed during accessing step 334 and execution step 336. The portion of the Bartok reference referred to by Examiner Fouladi in the August 18, 2005 telephone interview summary concerns mapping process 332, not accessing step 334 and execution step 336, and the claims of this application correspond to Bartok's accessing step 334 and execution step 336. Thus, applicants' arguments concerning Bartok are not persuasive since accessing step 334 and execution step 336 teach the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6-12, 15-18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipate by Bartok, US patent 5,737,553. The Bartok reference, after mapping process 332 is completed, does not alter the colormap image displayed during accessing step 334 and execution step 336. The claims of this application correspond to Bartok's accessing step 334 and execution step 336. A detailed analysis of the claims follows.

Claim 1:

Bartok teaches a computer system performing interactive commands, comprised of:

an input responsive to an operator action (Figure 1, column 1 line 20-25 and column 5 line 24-30, keyboard 18, and mouse 20);

an output for performing a computer program function (Output ports 34 for connecting to various output devices in addition to display 14. Column 14 lines 5-10 discuss a computer output function.);

an operator graphical interface including a pixel color map (Color image 60. Column 6 lines 10-21 and column 7 lines 61-65 discuss color image 60. Likewise a

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map is discussed at column 3 lines 21-26 and column 12 lines 19-27. Similarly at column 8 line 23-27 teaches the pixel color map may be an off-screen bitmap.) supported on the computer system, displayed on a computer monitor display screen (14) and being engaged by the operator via the input (16) configured to selectively activate at least one sensitive region on the display screen (Any color of the image may be mapped to a computer implemented function. Refer to the abstract, column 7 lines 61-65, column 8 lines 40-50 and 58-60, and column 14 lines 30-35.), and

wherein the at least one sensitive region is designated in the pixel color map without altering the pixel color map (This claim limitation corresponds to Bartok's accessing step 334 and execution step 336 and not to the mapping process 332. Accessing step 334 and execution step 336 does not alter the color image displayed on the monitor.), the region associated with at least one pixel color value selected from the pixel color map currently displayed on the graphical interface which triggers the computer program function (Each pixel of the color image may trigger a computer implemented function corresponding to its color.).

Claim 2:

Bartok teaches the computer system according to claim 1, wherein the operator graphical interface includes files selected from the group of a GIF file, JPEG file, an HTML file, and an offscreen file because it teaches using any pixel based color image as the graphical interface. GIF, graphics interchange format, is a bit-mapped graphics file format. HTML file supports links to other documents, as well as graphics used by the

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World Wide Web that is also supported by the graphics card of Bartok. JPEG forms a pixel based image on the display screen. The map is an offscreen file that corresponds a pixel's color to a computer implemented function.

Claim 3:

Bartok teaches the computer system according to claim 1, wherein the input is a computer mouse, a trackball, or a keyboard, whereby the operator interface program samples and processes signals from the input (Column 4 lines 54-59 discuss mouse 20 and keyboard 18 and implicitly inherently teaches a trackball by including "other peripheral equipment required for operation".)

Claim 6:

The computer system according to claim 1, wherein the computer program function performs diagnostics (Column 4 lines 60-64 discusses computer functions which include diagnostics.).

Claim 7:

The computer system according to claim 1 , the pixel color map is an offscreen bitmap (Column 8 line 23-27 teaches the pixel color map may be an off-screen bitmap. Similarly column 3 lines 21-26 teaches using color indices as an off-screen bitmap since an index for each pixel number will be required.).

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Claim 8:

The computer system according to claim 1, wherein an algorithm is mapped to a specific pixel color value and performs a particular computer program function (Column 4 lines 60-64, column 6 line 64 to column 7 line 4, and column 7 lines 61-65 teach each pixel color is mapped to a corresponding computer implemented function.).

Claim 9:

The computer system according to claim 8, wherein a plurality of algorithms are mapped to a plurality of pixel color values (Column 4 lines 60-64, column 6 line 64 to column 7 line 4, and column 7 lines 61-65 teach each pixel color is mapped to a corresponding computer implemented function.).

Claims 10 and 17:

These claims are similar to claim 1 and they are rejected for the reasons given for claim 1 and additionally discontinuous hot spots are discussed at column 7 line 61 to column 8 line 5 and column 14 lines 30-35 which teaches "associating all regions of said pixel color map image that comprise the at least one color value with the computer program" of claim 10 and which teaches "mapping an algorithm to all occurrences of the at least first pixel color value including occurrences of the at least first pixel color value outside of the selected region without altering the pixel color map image" of claim 17.

Claim 11:

This claim corresponds to claim 8.

Claim 12:

This claim corresponds to claim 9.

Claim 15:

This claim corresponds to claim 7.

Claim 16:

This claim corresponds to claim 6.

Claim 18:

This claim corresponds to claim 6.

Claim 21:

This claim corresponds to claim 9.

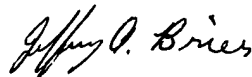
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lipscomb et al., US Patent No. 6,230,167, teaches a system similar to Bartok where after the image is displayed the image is not altered during the time the image is

used as a graphical user interface where the color values of the pixels are used upon selection by the user to select functions.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier
Primary Examiner
Art Unit 2672